

Entered - 03/15/01 - sb
CL01L0176 - DIANNE C. MITCHELL

01-*R*-0559

CLAIM OF: **YOLANDA TRUSSELL,**
through her attorney,
Stephen V. Kern
Eleven Piedmont Center, Suite 900
3495 Piedmont Road, NE
Atlanta, Georgia 30305

For damages alleged to have been sustained as a result of personal injuries due to a fall in the North Terminal Parking Lot at the Atlanta Airport on September 1, 2000.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0176

Date: March 22, 2001

Claimant /Victim YOLANDA TRUSSELL
BY: (Atty) Stephen V. Kern
Address: Eleven Piedmont Center, Suite 900, 3495 Piedmont Road, NE, Atlanta, Georgia 30305
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated
Date of Notice: 03/12/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 09/01/00 Place: Atlanta Airport
Department Aviation Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she was injured when she fell in the stairwell while walking in the North Terminal Parking Lot. The claim has been forwarded to the insurance carrier, AIG Aviation, for handling.


INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 03-29-01
Committee Action: Council Action

KITCHENS KELLEY GAYNES, P.C.

ATTORNEYS AT LAW

ELEVEN PIEDMONT CENTER - SUITE 900

3495 PIEDMONT ROAD, N.E.

ATLANTA, GEORGIA 30305

TELEPHONE 404 237-4100

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STEPHEN V. KERN

March 8, 2001

Mitchell
03/14/01
AK

DIRECT DIAL
404 467-7530

E-MAIL
skern@kkgpc.com

VIA COURIER AND

CERTIFIED MAIL NO. P 970 997 530

RETURN RECEIPT REQUESTED

ENTERED - 3-15-01 - SB

01L0176 - DIANNE MITCHELL

The Honorable Bill Campbell
Mayor of the City of Atlanta
55 Trinity Avenue, SW
Atlanta, Georgia 30303-3520

RE: Yolanda Trussell; File No.7691.1

Dear Mayor Campbell:

The undersigned represents Yolanda Trussell in connection with injuries she sustained when she fell in a wet stairwell located in the daily parking lot near the north terminal at Hartsfield International Airport at approximately 7:30 a.m. on September 1, 2000.

The negligence that caused the injury was the city's failure to properly maintain the stairwell, for maintaining a hazardous and treacherous condition in the stairwell, for allowing water to accumulate and create a hazardous condition, and for failing to warn of the hazard.

Ms. Trussell may assert an action for personal injuries she sustained as a result of this fall. Ms. Trussell sustained serious injuries, including multiple leg fractures, which required emergency surgery at South Fulton Medical Center. The city's insurer has previously been placed on notice and has information relating to Ms. Trussell's injuries.

Ms. Trussell hereby submits her claim for adjustment. If further details are necessary beyond those previously provided, a representative of the city should contact the undersigned.

With kind regards, I am

Very truly yours,

01-R-0559

Stephen V. Kern
Stephen V. Kern

SVK:RHB

cc: Ms. Yolanda Trussell

Ms. Cindy Poortinga, AIG Aviation